

# EXHIBIT 46

K.B.  
D.L. vs MICHIGAN DEPARTMENT OF EDUCATION

August 27, 2024

1

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

5 D.L.; K.S.F.; and K.B., by and  
6 through her parent and next friend  
H.B.,

7 Plaintiffs,

8 v Case No. 22-cv-00838-RJJ-PJG

9 HON. ROBERT J. JONKER

10 MICHIGAN DEPARTMENT OF EDUCATION, MAG. PHILLIP J. GREEN  
11 Defendant.

## 12 DEPOSITION OF KAYLA BUSH

13 Taken by the Defendant on the 27th day of August, 2024, at  
14 251 South Rose Street, Kalamazoo, Michigan, at 10:10 a.m.

15 RECORDED BY: Rachelle Roberts, CER 9585  
16 Certified Electronic Recorder  
17 Esquire Deposition Solutions  
18 Firm Registration Number 8035

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1 A Me, my mom, and my twin sister.

2 Q What's your mom's name?

3 A H.B.

4 Q And what's your sister's name?

5 A [Sister]

6 Q Can you spell that -- her first name for me?

7 A K-y-a-l-a.

8 Q And is [Sister] your twin sister?

9 A Yes.

10 Q So she's 18 as well; right?

11 A Yeah.

12 Q So there is just you, your mom, and your twin sister; right?

13 A Yes.

14 Q Do you know if your mom owns or rents her home?

15 A Rent.

16 Q Who pays like the rent?

17 A My mom.

18 Q Do you know who pays the utilities?

19 A My mom.

20 Q Do you have contact with your dad?

21 A No.

22 Q What is your dad's name?

23 A Demetrius Little.

24 Q When is the last time you had contact with him?

25 A Like a month ago.

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1 Q Can you spell Lilac for me?

2 A L-i-l-a-c.

3 Q And is that in Kalamazoo?

4 A Yes.

5 Q What's the zipcode?

6 A 49006.

7 Q How long have you lived at this address?

8 A Like November is going to make a year.

9 Q Do you remember where you lived prior to last November?

10 A Yeah.

11 Q What's the address?

12 A 1116 Bronson.

13 Q Can you spell Bronson for me, please?

14 A B-r-o-s-o-n (sic).

15 Q And is that in Kalamazoo as well?

16 A Yes.

17 Q And is the zipcode the same, or is it a different zipcode?

18 A I think it's 49048.

19 Q And do you remember how long you lived at that Bronson  
20 address?

21 A Three years.

22 Q So would that take us to -- what? -- 2020? Does that sound

23 about right?

24 A Yeah.

25 Q Who lives at your current address on Lilac Lane with you?

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1 Q Do you have a driver's license?

2 A No.

3 Q Do you plan on getting one?

4 A Yeah.

5 Q Have you taken driver's training?

6 A No.

7 Q Has anyone tried to help you or teach you how to drive?

8 A Yeah.

9 Q Who?

10 A My Grandma.

11 Q Do you know when you plan to get a driver's license?

12 A I was going to see what they was talking about on Friday. I  
13 was going to go to the Secretary of State.

14 Q Do you have a State ID?

15 A Yeah, I got to get a new one actually.

16 Q So what, it's expired? Or you lost it?

17 A I lost it.

18 Q Are you currently employed?

19 A No.

20 Q Are you looking for a job right now?

21 A Yes.

22 Q What kind of jobs have you applied for?

23 A Nursing homes.

24 Q What are you trying to do at a nursing home?

25 A Like dietary aide.

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1 Q Do you need any like special training for that?  
 2 A No.  
 3 Q Do you need like a high school diploma for that?  
 4 A Yeah.  
 5 Q How many nurse or dietary aide positions have you applied for?  
 6 A Four.  
 7 Q What happened when you applied to those four?  
 8 A They didn't reach back out. And one of them, I missed the interview.  
 9 Q Okay. Do you remember when you applied for these nursing homes jobs?  
 10 A Like in June.  
 11 Q So June of this year?  
 12 A Yeah.  
 13 Q I know you said for one of the jobs you missed an interview. Do you remember what date that interview was scheduled for?  
 14 A No.  
 15 Q Was it this year?  
 16 A Yes.  
 17 Q Was it the summer?  
 18 A Yeah.  
 19 Q What made you want to be a dietary aide?  
 20 A I really wanted to be an CNA, but I don't got no CNA license or nothing. So I'm just going to be a dietary aide.

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1 like clothes and shoes and stuff.  
 2 Q Do you know about how much you give your mom a month?  
 3 A 150.  
 4 Q Do you ever give her more?  
 5 A No.  
 6 Q Less?  
 7 A No.  
 8 Q How long have you been giving your mom the \$150 each month?  
 9 A Like -- for like three months.  
 10 Q So would it be like since you turned 18?  
 11 A Yes.  
 12 Q So I know we just talked about you getting SSI for a learning disability. Do you have any other like disabilities or health impairments?  
 13 A No. I just know I got a learning disability and ADHD.  
 14 Q So I know you said -- well, no, you didn't say. So let's start with the learning disability. Do you remember when you were diagnosed with that?  
 15 A No.  
 16 Q Would you say maybe middle school, high school, if you had to guess?  
 17 A I would say like the seventh grade.  
 18 Q Seventh grade. What about ADHD, do you remember when you were diagnosed with that?  
 19 A Around the same time.

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1 Q Did you happen to tell your school at the time that you were stopping the medication?  
 2 A No.  
 3 Q Do you remember who diagnosed you with ADHD?  
 4 A No.  
 5 Q Do you know what Integrated Services Kalamazoo is?  
 6 A No.  
 7 Q When you were diagnosed for a learning disability, did you -- did you take any like exams or did anyone like assess you or observe you? How did you find out that you had a learning disability?  
 8 A When I did a test.  
 9 Q And this is in seventh grade; right?  
 10 A Yeah.  
 11 Q Where did you do the test at?  
 12 A I was at school. It was in a little room.  
 13 Q What school?  
 14 A Milwood.  
 15 Q Do you know the name of your -- so if you're in seventh grade, would you agree that that probably was middle school?  
 16 A Yeah; Milwood Magnet.  
 17 Q Oh, Milwood. Thank you. Sorry. What about ADHD, do you remember taking like any exams or seeing a doctor?  
 18 A No.  
 19 Q Who told you you had ADHD?

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1 A The people who was reassessing me and stuff. I think I went to the doctors like once.  
 2 Q Do you remember your doctor's name?  
 3 A No.  
 4 Q Have you ever attended therapy for any of your disabilities?  
 5 A Yeah.  
 6 Q How often did you attend therapy?  
 7 A Like probably once every two weeks.  
 8 Q Do you remember when you started going to therapy?  
 9 A No.  
 10 Q Are you currently in therapy?  
 11 A No.  
 12 Q Why not?  
 13 A I don't know.  
 14 Q Has your mom tried to get you to go to therapy?  
 15 A Yeah.  
 16 Q Why?  
 17 A I don't know.  
 18 Q MS. SALVATORE: Objection; calls for speculation.  
 19 Q Why -- are you asking about why her mom --  
 20 A BY MS. HENDLEY:  
 21 Q So what does your mom say when you -- as she was trying to get you to stay in therapy?  
 22 A What you mean?

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1 Q Is Woodward Elementary within like the Kalamazoo School  
2 District?  
3 A Yes.  
4 MS. HENDLEY: Can we go off the record for one  
5 second?  
6 THE REPORTER: Off the record at 10:30 a.m.  
7 (Off the record)  
8 THE REPORTER: Back on the record at 10:34 a.m.  
9 BY MS. HENDLEY:  
10 Q Where did you attend middle school?  
11 A I went to Hillside Middle School. I went to ALP. That's an  
12 alternative school. And I went to Milwood and YAA, Youth  
13 Advanced Academy.  
14 Q Okay. So let's start with Hillside Middle School. Did you  
15 go there for sixth grade?  
16 A Yeah. I went there for sixth grade for like two weeks and  
17 they kicked me out.  
18 Q Why did you get kicked out?  
19 A I was never told the reason.  
20 Q And where did you go after Hillside?  
21 A ALP.  
22 Q And that's the Alternative Learning Program?  
23 A Yes.  
24 Q And would that be for sixth and seventh grade?  
25 A Yeah.

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1 Q And where did you go after ALP?  
2 A I went to Milwood.  
3 Q Is Milwood just a regular school within Kalamazoo School  
4 District?  
5 A Yeah.  
6 Q What school year did you go to Milwood?  
7 A I went there for seventh and eighth and then I got kicked  
8 out in eighth grade in the middle of the year and had to go  
9 to Youth Advanced Academy.  
10 Q Do you remember why you got kicked out of Milwood?  
11 A 'Cause I never went to -- never went to class and I was  
12 fighting.  
13 Q And then the last school you went to was Youth Advanced  
14 Academy; right?  
15 A Yeah.  
16 Q Do you remember what year that was? Like what grade year.  
17 I'm sorry.  
18 A Eighth.  
19 Q So just to be clear, you were kicked out of Milwood in the  
20 middle of the eighth grade year?  
21 A Yeah.  
22 Q And then once you were kicked out, then you went to --  
23 A Youth Advanced Academy.  
24 Q And you completed the rest of your eighth grade year there?  
25 A Yeah.

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1 Q Let's talk about your seventh grade year. Do you remember  
2 getting kicked out for trespassing and assaulting another  
3 student?  
4 A Yes.  
5 Q Do you remember what grade year that was? Was that seventh  
6 grade?  
7 A I don't remember. I think so though.  
8 Q Do you think that was the incident that got you kicked out  
9 of Hillside Middle and sent to the Alternative Learning  
10 Program?  
11 A No.  
12 Q The trespass incident, were you suspended for that?  
13 A Yeah.  
14 Q How long?  
15 A I think like 10 days.  
16 Q And what incident led to you being sent to the Youth  
17 Advancement Academy?  
18 A I just never used to go to class, and I was disrespectful to  
19 teachers.  
20 Q And did you get expelled from Youth Advancement Academy?  
21 A No, I got locked up.  
22 Q Oh. Why did you get locked up?  
23 A For the stuff at -- for trespassing.  
24 Q Do you know what you were charged for for that incident?  
Was it trespass?

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1 A ILC, Intensive Learning.  
2 Q Center?  
3 A Yeah.  
4 Q What is the highest grade level of high school that you've  
5 completed?  
6 A Eleventh grade.  
7 Q What high school?  
8 A Loy Norrix.  
9 Q Would it be correct that you started the high school in  
10 2020? Does that sound about right?  
11 A I think 2021.  
12 Q Are you currently enrolled in school?  
13 A No.  
14 Q Why not?  
15 A I didn't get the chance to enroll yet, but I'm going to  
16 enroll this week.  
17 Q Where do you plan on enrolling?  
18 A Covenant -- Covenant Academy.  
19 Q Is that within the Kalamazoo School District?  
20 A Yeah.  
21 Q Is it like a special school or it's just a regular --  
22 A You can go to that school 'til you're 21.  
23 Q When is the last time you went to high school?  
24 A Like last year like September.  
25 Q So was that September of 2023?

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1 A Yes.  
 2 Q And that would have been your junior year?  
 3 A That would have been my senior year.  
 4 Q Senior year. So you technically were supposed to graduate  
 5 this year?  
 6 A This year.  
 7 Q Can you tell me again why you stopped going?  
 8 A I just -- I just didn't feel like going to school no more.  
 9 Q Was your mom okay with that?  
 10 A No.  
 11 Q Did she try to enroll you back in school?  
 12 A Yeah.  
 13 Q And you still said "No"?  
 14 A Yeah.  
 15 Q Do you plan on like working towards a high school diploma or  
 16 getting your GED? Like what is your plan?  
 17 A High school diploma.  
 18 Q And technically you only have one school year left --  
 19 right? -- to complete it?  
 20 A Yeah.  
 21 Q Were you involved in like any sports or like extracurricular  
 22 activities while attending school?  
 23 A No; no.  
 24 Q Like never?  
 25 A (No verbal response)

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1 Q Did you have any favorite classes in middle school?  
 2 A Art.  
 3 Q Why did you like art?  
 4 A 'Cause I like the painting.  
 5 Q Did you do well in painting?  
 6 A No. I just like to be playing in the paint, honestly.  
 7 Q Did you have any other favorite classes in middle school?  
 8 A No.  
 9 Q Do you remember what grade year you took a painting class --  
 10 or art class? I'm sorry.  
 11 A It was in the seventh grade.  
 12 Q Did you have any favorite classes in high school?  
 13 A Gym.  
 14 Q Why did you like gym?  
 15 A 'Cause you really got to do no work in gym.  
 16 Q Any other favorite classes in high school?  
 17 A No.  
 18 Q Did you have any favorite teachers in middle school?  
 19 A No.  
 20 Q Was there any like staff persons that helped you more than  
 21 others?  
 22 A (Shaking head negatively)  
 23 Q What about high school?  
 24 A I'd really get no help, for real.  
 25 Q What kind of help would you have wanted?

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1 A Like hands-on.  
 2 Q Did you ask for any hands-on help?  
 3 A No.  
 4 Q Do you know if your mom --  
 5 A Yeah.  
 6 Q -- asked for it? What grade year did you take gym?  
 7 A Ninth grade.  
 8 Q Do you know what an Individualized Education Plan is?  
 9 A No.  
 10 Q What if I say "IEP"?

11 A Yeah.  
 12 Q What does an IEP mean, if you know? Have you ever taken  
 13 like any -- or taken any classes -- I mean, any tests or  
 14 evaluation for Special Education Services?  
 15 A Yeah.  
 16 Q Do you remember like when you were first -- or when you  
 17 first took like any tests or assessments?  
 18 A No.  
 19 Q Have you ever been given an IEP?  
 20 A Yeah; I got an IEP.  
 21 Q Do you remember what grade?  
 22 A No.  
 23 Q Was it based on your ADHD?  
 24 A No. I got ADD, too.  
 25 Q Was the IEP based on your specific learning disability?

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1 evaluation recommends that an IEP team be held to share this  
 2 report." So do you remember like in 20- -- in May 2021  
 3 where you underwent like some assessments with probably like  
 4 a psychologist, social worker, one of your teachers?  
 5 A Yeah, I think so.  
 6 Q Have you ever seen this report before?  
 7 A No.  
 8 Q So this is your first time seeing these results; right?  
 9 A Yeah.  
 10 Q Okay. So I'm going to hand you what will be marked as  
 11 Exhibit 6.  
 12 MS. SALVATORE: Thank you.  
 13 (Deposition Exhibit 6 marked)  
 14 BY MS. HENDLEY:  
 15 Q So in Exhibit 5, the report we just looked at, they pretty  
 16 much just said that an IEP team meeting should be held. So  
 17 this is an IEP team report that it looks like it took place  
 18 on or about May 26th, 2021. Do you remember this meeting?  
 19 A No.  
 20 Q I want you to take a look and look at the participants. So  
 21 it's like in the second section on the first page. Looking  
 22 at some of these names, does it ring a bell at all?  
 23 A Yeah.  
 24 Q Do you remember attending this team meeting -- this IEP team  
 25 meeting?

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1 A No.  
 2 Q Okay. And if you look on page 2, where it's like a little  
 3 check mark and it says, "Yes, Kayla is eligible," and then  
 4 it says, "for based on another health impairment." Do you  
 5 see that?  
 6 A Yes.  
 7 Q Do you agree that you had a health impairment that made you  
 8 eligible for special education?  
 9 MS. SALVATORE: I'm just going to object to the  
 10 extent it calls for a legal conclusion.  
 11 BY MS. HENDLEY:  
 12 Q Do you agree with it?  
 13 A No.  
 14 Q So do you think you had a -- no, that's not a good question.  
 15 What grade were you in in May of 2021?  
 16 A Tenth grade.  
 17 Q So it looks like one of the evaluations that was discussed  
 18 during this meeting -- if you look on page 1 under "Current  
 19 Evaluations," that it looks like your math and reading  
 20 scores fell; do you remember that?  
 21 MS. SALVATORE: Where are you referring to?  
 22 MS. HENDLEY: Under "Current evaluation."  
 23 MS. SALVATORE: "Math and reading scores fell," is  
 24 that what you said?  
 25 MS. HENDLEY: Yes.

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1 MS. SALVATORE: It looks like it says she  
 2 increased her score. That's how I'm reading it. And then  
 3 it says her score increased on both. I guess I will object.  
 4 The document speaks for itself.  
 5 MS. HENDLEY: Okay.  
 6 BY MS. HENDLEY:  
 7 Q Do you remember having any like issues in any of your  
 8 classes around this time, in May of 2021?  
 9 A No.  
 10 Q Do you remember feeling like your diagnosis of ADHD made it  
 11 difficult for you to learn?  
 12 A Yeah.  
 13 Q Do you know what a due process hearing is?  
 14 A No.  
 15 Q Do you ever remember your mom or anyone talking about a due  
 16 process hearing?  
 17 A No.  
 18 Q What do you plan to do after you earn your high school  
 19 diploma?  
 20 A Go to college actually.  
 21 Q What do you want to study?  
 22 A I want to be a travel nurse.  
 23 Q Do you plan on attending college like right after you earn  
 24 your high school diploma?  
 25 A Yeah.

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1 insuring compliance with corrective action plans,"  
 2 and it goes on to state what that includes.  
 3 Do you know what policies or protocols you want MDE to put  
 4 in place?  
 5 A No.  
 6 MS. HENDLEY: Can we go off the record for just  
 7 one second?  
 8 THE REPORTER: Off the record at 11:50.  
 9 (Off the record)  
 10 THE REPORTER: Back on?  
 11 MS. HENDLEY: Yes.  
 12 Q Ms. Bush, have you ever been diagnosed with emotional trauma  
 13 disorder?  
 14 A Yeah, I think so.  
 15 Q Do you remember when?  
 16 A No, I don't.  
 17 Q What about ODD? Do you know what that is? Oppositional  
 18 Defiant Disorder?  
 19 A Yes.  
 20 Q So you have been diagnosed with that?  
 21 A Yes.  
 22 Q Do you know when?  
 23 A No, I don't remember.  
 24 Q Do you know if you're taking any medication for ODD or your  
 25 emotional trauma disorder?

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